III. REMARKS

1. Claims 1-13 are not unpatentable over Le Carpentier (U.S. Patent No. 4,752,950) in view of Liechti et al. (U.S. Patent No. 5,715,164) ("Liechti") and further in view of Marlin et al. (U.S. Patent No. 5,546,577) ("Marlin") under 35 U.S.C. §103(a).

Claim 1 recites that functions of the franking machine are operated remotely from the computer. This is not disclosed by Le Carpentier. Le Carpentier deceptively uses the term "remote control" as applied to its system, when all that is being done remotely is the "collection" of data read from the franking heads. (Col. 1, line 60 to Col. 2, line 2). There is no "remote control" of each of the functions of a franking machine in Le Carpentier as in Applicant's invention.

In Le Carpentier, a central station stores and processes management data relating to operation of the franking machines (Col. 2, lines 49-53). The franking machines 1 are monitored from the local station 4. (Col. 2, lines 54-55). Significantly, each franking machine uses meters for metering data items independently from the local station 4 to which it is connected. (Col. 2, lines 58-61). The local station 4 "interrogates" the franking machines so the local machine can supply the central station 2 with up-to-date information (Col. 2, lines 61-66). However, this is not the same as and there is absolutely no disclosure in Le Carpentier regarding "allowing functions of the franking machines to be operated remotely from the computer" as is claimed by Applicant.

In Applicant's invention, the franking machine functions can be remotely controlled from computer 10. (see e.g., page 4, lines 11-14). No such disclosure is made in Le Carpentier and thus Le

Carpentier does not disclose or suggest at least this feature of Applicant's invention.

Liechti also does not disclose or suggest allowing functions of the franking machine to be operated remotely from the computer as claimed by Applicant. Liechti is merely related to conducting telemeter setting (TMS) transactions. (see Abstract). A host computer "collects" statistical data from each meter. (Abstract). The central facility can impose limits on the meter for time usage, the number of mail items and the cumulative postage amount. (Col. 2, lines 35-41). Col. 3, lines 45-56 merely discusses the ability to communicate. This is not the same as controlling each of the functions of the franking machine as recited and claimed by Applicant.

In Liechti, the data center 15 in Liechti collects data from the meter and can change the structure of the charge classes of the meter. (Col. 5, lines 1-4). Other limits can be communicated by the data center 15 to the meter. (Col. 5, lines 5-11). This is not the same as the remote control of functions of the franking meter as in Applicant's invention.

In Applicant's invention, control of the functions of the meter can be carried out remotely. The functionality available at the franking machine keyboard is available at the computer. The functional controls can be provided by the programming library and can include connection, configuration, actions, departments and statistics. (see e.g., page 2, lines 7-23).

Thus, at least this feature is also not disclosed or suggested by Liechti. Thus, Le Carpentier in view of Liechti does not disclose or suggest each feature of Applicant's invention as claimed.

Other features of Applicant's invention are also not disclosed or suggested by the combination of Le Carpentier in view of Liechti. Claim 1 recites a programming library that provides functional controls of the franking machine by "simulating" a user interface of the franking machine on the computer that allows a user to select and control each function of the franking machine remotely from the computer.

This is not taught by Le Carpentier, Liechti or Marlin. Le Carpentier only collects information, does not include remote control of the functions of the franking machine, and does not simulate the franking machine user interface on the computer.

Liechti also does not disclose or suggest these features. Col. 8, line 63 to Col. 9, line 34 of Liechti merely describes the protocol of the communication between host computer 103 and a meter and the data format of the request packet. Certain bits are associated with certain functions. FIG. 6 of Liechti merely illustrates the protocol format and not remote control or a simulated user interface or a programming library related to the remote control or simulated user interface. The bits generally relate to reading and statistics requests. But none of these bit assignments disclose or suggest a "programming library" that provides the user application with a series of functional controls of the franking machine, simulating a user interface of the franking machine on the computer, and controlling each function of the franking machine remotely from the computer as is claimed by Applicant.

The programming library and remote control of the functions of the franking meter in Applicant's invention are generally described in the specification, beginning, for example, on page 4, line 25.

Marlin does not overcome these deficiencies. Marlin deals with automated management of a complex environment and the retrieval of data that is spread throughout a large "object - oriented database." (Col. 1, lines 5-10). Marlin does indeed discuss the numerous operations that may take place in a mailroom operation. (Col. 2, lines 3-31). Certainly, the data storage in these operations is extensive. (Col. 2, lines 31-39). However, there is no discussion in Marlin related to remote control of these functions or simulating a user interface as claimed by Applicant. Rather, Marlin is concerned with tracking data and collecting the information related to jobs. As jobs are processed, there is a multitude of information that can be collected and stored to track the various stages of a document, for example. Marlin deals with collecting this information in a distributed and complex environment.

However, although Marlin discusses mail processing operations, there is no disclose of "allowing functions of the franking machine to be operated remotely from the computer" as claimed by Applicant. Marlin is directed to gathering status information and information about the products and mail jobs. (Col. 5, lines 23-35). More concisely, Marlin is the "provision of instrumentation logic to efficiently develop all of the many DMI commands that are necessary to answer a management query such as 'where is the mailpiece?'" (Col. 9, lines 49-53). This is not the same as Applicant's invention.

Marlin only provides "direct keyed access to mail job data located in a specifically created database utilizing available database products such as DB2." (Col. 9, lines 59-62). The usefulness of the Marlin invention is to "track mailpiece data." (Col. 9, lines 65-67). Nothing in Marlin discloses or suggests

allowing functions of the franking machine to be operated remotely from the computer. Thus, this feature of Applicant's invention is not disclosed or suggested.

Marlin also does not disclose or suggest a programming library that provides the user application with a series of functional controls of the franking machine or that simulates a user interface of the franking machine on the computer, and allows user to select and control each function of the franking machine remotely from the computer.

The management information files (MIF) of Marlin are not the same as the programming library of Applicant's invention. In Marlin, the MIF files are files that describe components or their attributes. (Col. 12, lines 33-38). "Utilizing files developed in the MIF format, the system manager provides an interface to handle messages from devices to computer systems to create and update files about mail jobs and mail pieces." (Col. 12, lines 42-46).

However, the programming library of Applicant's invention provides the user with a series of "functional controls" of the franking machine by simulating a user interface. Col. 6, lines 21-28 of Marlin discusses initiating "management requests" - not functional control of a franking machine - or simulating a user interface. Marlin merely states that easy to understand graphical interfaces are important (Col. 5, lines 59-61) and that it should use graphical user interface technology. (Col. 13, lines 10-11). This is not the same as "simulating a user interface" and functional control of a franking machine as claimed by Applicant.

Furthermore, the MIF files only enable a component to respond to management commands, which are a typical request for "static information", the "current state of a device". (Col. 14, lines 3-24). The invention of Marlin provides for "accessing data by a management application." (Col. 14, lines 37-39). An example of the application of Marlin is described in Col. 17, lines 25-35. As described, Marlin is merely gathering data and information, and does not simulate a "user interface" or allow functions of a franking machine to be remotely controlled.

Thus, claim 1 is not obvious over Le Carpenter in view of Liechti and further in view of Marlin under 35 U.S.C. §103(a), since the combination of references does not disclose or suggest each feature of Applicant's invention as claimed. Claims 3, 5 and 12 recite similar features, and should correspondingly also be allowable. Claims 2, 4, 6-11 and 13 should be allowable at least by reason of their respective dependencies.

With regard to claims 2, 4 and 6, none of the references disclose or suggest "functional controls", for the reasons stated above. The references merely describe collecting information.

Also, it is submitted that there is no motivation to combine Le Carpentier and Liechti with Marlin to achieve Applicant's invention, as is required for obviousness under 35 U.S.C. §103(a). In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest <u>all</u> of the claim limitations. (See M.P.E.P. §2142). As noted above, Le

Carpentier, Liechti and Marlin do not disclose or suggest each feature of Applicants' invention as claimed.

Significantly, however, the references do not provide the requisite suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicants' invention would be obvious as recited in the claims is not supported by the factual contents of Le Carpentier, Liechti and Marlin.

As noted, Le Carpentier merely collects data. Liechti conducts a TMS operation. Marlin only collects and manages the collected information. None of the references involve functions of a franking machine being remotely controlled from a computer or simulating a user interface of the franking machine on the computer and allowing a user to select and control each function of the franking machine remotely from the computer.

Thus, the references themselves and/or the knowledge generally available to one of skill in the art do not provide the requisite motivation or suggestion to modify the references as proposed for purposes of 35 U.S.C. §103(a). When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the references. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Le Carpentier, Liechti and Marlin under 35 U.S.C. §103(a) is not established.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly

novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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